

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1850-PWS-E TCEQ ID: RN101439438 CASE NO.: 34954
RESPONDENT NAME: Cross Country Water Supply Corporation

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Cross Country WSC, 14933 Wortham Bend Road, China Spring, McLennan County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 19, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Michael R. Parrish, Board President, Cross Country Water Supply Corporation, P.O. Box 87, China Spring, Texas 76633 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: September 25, 2007</p> <p>Date of NOE Relating to this Case: October 19, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>1) Failure to provide a well casing 18 inches above the elevation of the finished floor of the pump room or the natural ground surface with a minimum of one inch above the sealing block or pump motor foundation block. Specifically, the well casing at Plant No. 1 was 14 inches above the concrete sealing block [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)].</p> <p>2) Failure to ensure that livestock in pastures are prohibited within 50 feet of a water supply well. Specifically, at the time of the record review, livestock were observed within 50 feet of Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(D)].</p> <p>3) Failure to obtain a sanitary control easement covering land within 150 feet of the well. Specifically, at the time of the record review, it was documented that the system did not have a sanitary control easement for Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>4) Failure to keep water system records on file and make them available for Commission review. Specifically, at the time of the record review, the following records were not available: annual storage and pressure tank inspection records and completed Customer Service Inspections records [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(D)(ii) and</p>	<p>Total Assessed: \$378</p> <p>Total Deferred: \$75 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$303</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 10 days after the effective date of this Agreed Order, begin maintaining water system operating reports and records including, but not limited to, annual storage and pressure tank inspection records and completed Customer Service Inspection records;</p> <p>b) Within 25 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.;</p> <p>c) Within 60 days after the effective date of this Agreed Order:</p> <p>i. Ensure that livestock are not allowed within 150 feet of Well No. 2; and</p> <p>ii. Extend the well casing for Well No. 1 to a minimum of 18 inches above the elevation of the natural ground surface.</p> <p>d) Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions c.i. and ii.;</p> <p>e) Within 90 days after the effective date of this Agreed Order, secure a sanitary control easement covering all land within 150 feet of Well No. 2 and record the deed at the county courthouse;</p> <p>f) Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering</p>

<p>290.46(f)(3)(D)(iv)].</p> <p>5) Failure to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, pressure plane one has 327 connections, which requires a service pump capacity of 654 gpm. At the time of the record review, the capacity was 600 gpm, an 8% deficiency. Pressure plane three has 106 connections, requiring a capacity of 218 gpm but provides only 200 gpm, an 8% deficiency [30 Tex. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>		<p>Provision e.;</p> <p>g) Within 180 days after the effective date of this Agreed Order, provide two or more service pumps with a total rated capacity of 2.0 gpm per connection; and</p> <p>h) Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision g.</p>
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Additional ID No(s):: PWS No. 1550059



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	15-Oct-2007	Screening	6-Nov-2007	EPA Due	
	PCW	6-Nov-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Cross Country Water Supply Corporation		
Reg. Ent. Ref. No.	RN101439438		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34954	No. of Violations	5
Docket No.	2007-1850-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$360**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **5% Enhancement** **Subtotals 2, 3, & 7** **\$18**

Notes

The Respondent was issued one Notice of Violation for the same or similar violation in the past five years.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the Good Faith criteria.

0% Enhancement*

Subtotal 6

Total EB Amounts \$226
Approx. Cost of Compliance \$3,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$378

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

Adjustment

\$0

Notes

Final Penalty Amount

\$378

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$378

DEFERRAL

20%

Reduction

Adjustment

-\$75

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$303

Screening Date 6-Nov-2007

Docket No. 2007-1850-PWS-E

PCW

Respondent Cross Country Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34954

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101439438

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent was issued one Notice of Violation for the same or similar violation in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 6-Nov-2007		Docket No. 2007-1850-PWS-E		PCW		
Respondent Cross Country Water Supply Corporation				Policy Revision 2 (September 2002)		
Case ID No. 34954				PCW Revision September 19, 2007		
Reg. Ent. Reference No. RN101439438						
Media [Statute] Public Water Supply						
Enf. Coordinator Tel Croston						
Violation Number		<input type="text" value="1"/>				
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.41(c)(3)(B)"/>				
Violation Description		<p>Failed to provide a well casing 18 inches above the elevation of the finished floor of the pump room or the natural ground surface with a minimum of one inch above the sealing block or pump motor foundation block. Specifically, at the time of the record review, it was documented that the well casing at Plant No. 1 was 14 inches above the concrete sealing block.</p>				
Base Penalty					<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix						
OR			Harm			
			Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="10%"/>	
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes		<p>Without adequate protection of the wellhead, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.</p>				
Adjustment					<input type="text" value="\$900"/>	
					<input type="text" value="\$100"/>	
Violation Events						
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="42"/> Number of violation days			
mark only one with an x	daily	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	x				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
single event		<input type="text"/>				
Violation Base Penalty					<input type="text" value="\$100"/>	
<p>One quarterly event is recommended from the date of the record review, September 25, 2007, to the date of screening, November 6, 2007.</p>						
Economic Benefit (EB) for this violation						
Estimated EB Amount		<input type="text" value="\$30"/>		Statutory Limit Test		
				Violation Final Penalty Total	<input type="text" value="\$105"/>	
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$105"/>	

Economic Benefit Worksheet

Respondent Cross Country Water Supply Corporation

Case ID No. 34954

Reg. Ent. Reference No. RN101439438

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	25-Sep-2007	30-Jul-2008	0.8	\$1	\$28	\$30
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install a well casing that extends a minimum of 18' inches above the elevation of the finished floor of the pump room or natural ground surface, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$30

Screening Date 6-Nov-2007

Docket No. 2007-1850-PWS-E

PCW

Respondent Cross Country Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34954

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101439438

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(D)

Violation Description

Failed to ensure that livestock in pastures are prohibited within 50 feet of a water supply well. Specifically, at the time of the record review, it was documented that livestock were observed within 50 feet of Well No. 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

If livestock are allowed in close proximity to the well, contaminants could enter the well and customers of the water supply could be exposed to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

42 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended from the record review date, September 25, 2007, to the screening date, November 6, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$89

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent Cross Country Water Supply Corporation

Case ID No. 34954

Reg. Ent. Reference No. RN101439438

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	25-Sep-2007	30-Jul-2008	0.8	\$4	\$85	\$89
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include necessary measures (such as fencing) to keep livestock away from the well, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$89

Screening Date 6-Nov-2007

Docket No. 2007-1850-PWS-E

PCW

Respondent Cross Country Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34954

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101439438

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to obtain a sanitary control easement covering land within 150 feet of the well. Specifically, at the time of the record review, it was documented that the system did not have a sanitary control easement for Well No. 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a sanitary control easement for the well, contaminants could enter the well and customers of the water supply could be exposed to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

42

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

Economic Benefit Worksheet**Respondent** Cross Country Water Supply Corporation**Case ID No.** 34954**Reg. Ent. Reference No.** RN101439438**Media** Public Water Supply**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$250	25-Sep-2007	31-Aug-2008	0.9	\$1	\$16	\$16
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to obtain sanitary control easements, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$250

TOTAL

\$16

Screening Date 6-Nov-2007

Docket No. 2007-1850-PWS-E

PCW

Respondent Cross Country Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34954

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101439438

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(D)(ii) and 290.46(f)(3)(D)(iv)

Violation Description

Failed to keep water system records on file and make them available for Commission review. Specifically, at the time of the record review, the following records were not available: annual storage and pressure tank inspection records and completed Customer Service Inspection records.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				x

Percent 1%

Matrix Notes

Failed to meet 30% of the rule requirement.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

42 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$11

This violation Final Assessed Penalty (adjusted for limits) \$11

Economic Benefit Worksheet**Respondent** Cross Country Water Supply Corporation**Case ID No.** 34954**Reg. Ent. Reference No.** RN101439438**Media** Public Water Supply**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	25-Sep-2007	24-May-2008	0.7	\$8	n/a	\$8
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare and maintain water system records relating to annual storage tank inspections and Customer Service inspections, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$250

TOTAL

\$8

Screening Date 6-Nov-2007

Docket No. 2007-1850-PWS-E

PCW

Respondent Cross Country Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34954

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101439438

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, pressure plane one has 327 connections, which requires a service pump capacity of 654 gpm. At the time of the record review the capacity was 600 gpm, an 8% deficiency. Pressure plane 3 has 106 connections, requiring a capacity of 218 gpm but provides only 200 gpm, an 8% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient total service pump capacity, customers of the water system could experience shortages and be exposed to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

42 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

Two single events are recommended, one for each pressure plane.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet**Respondent** Cross Country Water Supply Corporation**Case ID No.** 34954**Reg. Ent. Reference No.** RN101439438**Media** Public Water Supply**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	25-Sep-2007	30-Nov-2008	1.2	\$4	\$79	\$83
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to increase the service pump capacity to 2.0 gpm per connection with two pumps, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,000

TOTAL

\$83

Compliance History

Customer/Respondent/Owner-Operator: CN600650568 Cross Country Water Supply Corporation Classification: Rating:

Regulated Entity: RN101439438 CROSS COUNTRY WSC Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1550059
WATER LICENSING LICENSE 1550059

Location: 14933 Wortham Bend Road, China Spring, McLennan County, Texas

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: November 05, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 05, 2002 to November 05, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Tel Croston Phone: 239-5717

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 03/21/2003 (27960)
- 2 05/21/2003 (31323)
- 3 03/14/2007 (540646)
- 4 07/31/2007 (570025)
- 5 10/09/2007 (595668)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/06/2007 (540646)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)

Description: Failure to provide a well casing eighteen inches above the ground surface.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)

Description: Failure to insure that pasture livestock is prohibited from within 50 feet of a public drinking supply well.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to provide a sanitary control easement.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

Description: Failure to provide adequate service pump capacity.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CROSS COUNTRY WATER SUPPLY
CORPORATION
RN101439438**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1850-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Cross Country Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 14933 Wortham Bend Road, in China Spring, McLennan County, Texas (the "Facility") that has approximately 1,018 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 24, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Hundred Seventy-Eight Dollars (\$378) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Three Dollars (\$303) of the administrative penalty and Seventy-Five Dollars (\$75) is deferred contingent upon the Respondent's timely and satisfactory

compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

1. Failed to provide a well casing 18 inches above the elevation of the finished floor of the pump room or the natural ground surface with a minimum of one inch above the sealing block or pump motor foundation block, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B), as documented during a record review conducted on September 25, 2007. Specifically, the well casing at Plant No. 1 was 14 inches above the concrete sealing block.
2. Failed to ensure that livestock in pastures are prohibited within 50 feet of a water supply well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D), as documented during a record review conducted on September 25, 2007. Specifically, at the time of the record review, livestock were observed within 50 feet of Well No. 2.
3. Failed to obtain a sanitary control easement covering land within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during a record review conducted on September 25, 2007. Specifically, at the time of the record review, it was documented that the system did not have a sanitary control easement for Well No. 2.
4. Failed to keep water system records on file and make them available for Commission review, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(D(ii) and 290.46(f)(3)(D(iv), as documented during a record review conducted on September 25, 2007. Specifically, at the time of the record review, the following records were not available: annual storage and pressure tank inspection records and completed Customer Service Inspection records.

5. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on September 25, 2007. Specifically, pressure plane one has 327 connections, which requires a service pump capacity of 654 gpm. At the time of the record review, the capacity was 600 gpm, an 8% deficiency. Pressure plane three has 106 connections, requiring a capacity of 218 gpm but provides only 200 gpm, an 8% deficiency

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Cross Country Water Supply Corporation, Docket No. 2007-1850-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, begin maintaining water system operating reports and records including, but not limited to, annual storage and pressure tank inspection records and completed Customer Service Inspection records, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 25 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Ensure that livestock are not allowed within 50 feet of Well No. 2 as required by 30 TEX. ADMIN. CODE § 290.41; and

- ii. Extend the well casing for Well No. 1 to a minimum of 18 inches above the elevation of the natural ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.c.i. and ii.
- e. Within 90 days after the effective date of this Agreed Order, secure a sanitary control easement covering all land within 150 feet of Well No. 2 and record the deed at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.e.
- g. Within 180 days after the effective date of this Agreed Order, provide two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.g. The certification shall be notarized by a State of Texas and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Joe Siddle
For the Executive Director

5/21/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Michael R. Parrish
Signature

FEB. 20, 2008
Date

MICHAEL R. PARRISH
Name (Printed or typed)
Authorized Representative of
Cross Country Water Supply Corporation

BOARD PRESIDENT
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

